

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

NIGHT OWL SP, LLC,

Plaintiff,

v.

Case No.: 2:19-cv-109-FtM-38NPM

JUN LI,

Defendant.

**ORDER**<sup>1</sup>

This matter comes before the Court on sua sponte review of the file. Nearly two years ago, Plaintiff Night Owl SP, LLC filed this suit against Dongguan Auhua Electronics, Ltd. and Jun Li, both domiciled in the People's Republic of China, for trademark infringement. Since then, the Court entered a default final judgment against the company. ([Doc. 45](#); [Doc. 46](#)). But the case has remained pending against Li. Indeed, Plaintiff has not yet served Li. And the assigned Magistrate Judge recently denied Plaintiff's motion for alternate service of process on Li and motion for additional time to serve him. ([Doc. 53](#)). More than two weeks have lapsed since that Order, and Plaintiff has taken no action. The Court thus dismisses this case for failure to serve Li and failure to prosecute. See [M.D. Fla. R. 3.10](#).

Accordingly, it is now

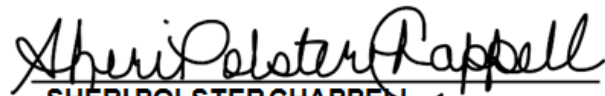
**ORDERED:**

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

- (1) The above-captioned case is **DISMISSED** as against Defendant Jun Li.
- (2) The Clerk is **DIRECTED** to enter judgment, terminate any deadlines, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 24th day of September 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record